

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

v.

DANIEL GUTMAN and
BENJAMIN GUTMAN

Defendants.

)
)
)
)
) Case No. 1:20-cr-298
)
)
)
)
)
)

ORDER

AND NOW, this ____ day of October, 2021, upon consideration of Defendants Daniel Gutman and Benjamin Gutman's Unopposed Joint Motion for a Sixty (60) Day Continuance of Trial, it is hereby **ORDERED** that the joint motion is **GRANTED**. The Court finds as follows.

The Court finds that the ends of justice served by the proposed continuance outweigh the best interest of the public and the Defendants in a speedy trial. The Court also finds that, because of the restrictions on public movement and interactions at the present time presented by the COVID-19 pandemic, a continuance of the present trial date is required to allow adequate preparation by the parties for pretrial proceedings and for trial. The Court finds that a continuance is warranted in order to provide the parties with sufficient time to continue cooperation in discovery and explore the possibility of pre-trial resolution. For all of these reasons, the continuance of the time period from the date of the filing of this joint motion until the trial date shall be excluded under the Speedy Trial Act, trial in this matter shall be continued

by sixty days and begin on the _____ day of January, 2022.

BY THE COURT:

THE HONORABLE JENNIFER P. WILSON
United States District Court Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

v.

DANIEL GUTMAN and
BENJAMIN GUTMAN

Defendants.

)
)
)
)
) Case No. 1:20-cr-298
)
)
)
)
)

**DEFENDANTS' UNOPPOSED JOINT MOTION FOR
A SIXTY (60) DAY CONTINUANCE OF TRIAL**

Daniel Gutman and Benjamin Gutman, by their undersigned counsel, respectfully move for a continuance of trial and to exclude under the Speedy Trial Act a period of delay from the filing of Defendants' joint motion until the trial date set forth by the Court. In support of this request, Defendants state:

1. Both Defendants were released on their own recognizance after an initial appearance and arraignment with Magistrate Judge Carlson on November 30, 2020.
2. The trial is scheduled in this case to begin on November 1, 2021.
3. The Speedy Trial Act requires a trial to begin within 70 days of indictment or initial appearance, whichever occurs later, 18 U.S.C. § 3161(c)(1), and entitles the defendants to dismissal of the charges if that deadline is not met, § 3162(a)(2). Certain periods of time, however, are excluded from this 70-day "clock." § 3161(h). Some periods of time are excluded when the judge continues a trial and finds, on the record, that "the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial."

§ 3161(h)(7)(A). The Court may consider in part whether “it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.” § 3161(h)(7)(B)(ii).

4. The parties have continued to cooperate and work on the production of discovery materials before trial. Further, the parties continue to explore the possibility of pre-trial resolution, in light of new information that has recently become available.

5. In addition to continuing pre-trial resolution efforts, the COVID-19 pandemic continues to pose a significant risk to the health and well-being of the public, and the parties. The limitation on public mobility has also inhibited the ability of the parties to prepare for pretrial and trial proceedings.

6. As a result of the parties’ continued cooperation, in addition to the continued public health challenges posed by COVID-19, Defendants respectfully request a continuance of the trial date in order to provide sufficient time to resolve discovery disputes, review and analyze the evidence, and engage in pre-trial resolution efforts. Defendants further request a finding that, under the exigent circumstances, the ends of justice served by granting a continuance outweigh the best interest of the public and the defendants in a speedy trial.

7. Defense counsel stipulate that a period of time, from the date of the filing of this joint motion until the new trial date, is excludable time pursuant to 18 U.S.C. § 3161(h)(7)(A).

8. Assistant United States Attorney Ravi Sharma has authorized us to represent to the Court that he has no objection to this joint continuance motion.

WHEREFORE, for the foregoing reasons, Defendants respectfully request that this joint motion be granted.

Respectfully submitted,

COZEN O'CONNOR

By: /s/ Stephen A. Miller
Stephen A. Miller (PA ID No. 308590)
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, PA 19103
Telephone: 215-665-4736
Facsimile: 215-253-6796
samiller@cozen.com
Counsel for Defendant Daniel Gutman

IFRAH PLLC

By: /s/ James M. Trusty
James M. Trusty
1717 Pennsylvania Avenue, NW
Suite 650
Washington, DC 20006
Telephone: 202-524-4140
jtrusty@ifrahlaw.com
Counsel for Defendant Benjamin Gutman

Dated: October 20, 2021

CERTIFICATE OF CONCURRENCE

Counsel for Defendants, Stephen A. Miller and James M. Trusty, hereby certify that Assistant United States Attorney Ravi Sharma has no objection to Defendants' Unopposed Joint Motion for a Sixty (60) Day Continuance of Trial.

Respectfully submitted,

COZEN O'CONNOR

By: /s/ Stephen A. Miller

Stephen A. Miller (PA ID No. 308590)

One Liberty Place

1650 Market Street, Suite 2800

Philadelphia, PA 19103

Telephone: 215-665-4736

Facsimile: 215-253-6796

samiller@cozen.com

Counsel for Defendant Daniel Gutman

IFRAH PLLC

By: /s/ James M. Trusty

James M. Trusty

1717 Pennsylvania Avenue, NW

Suite 650

Washington, DC 20006

Telephone: 202-524-4140

jtrusty@ifrahlaw.com

Counsel for Defendant Benjamin Gutman

Dated: October 20, 2021

CERTIFICATE OF SERVICE

Counsel for Defendants, Stephen A. Miller and James M. Trusty, hereby certify that service of a copy of the foregoing Defendants' Unopposed Joint Motion for a Sixty (60) Day Continuance of Trial was effectuated on October 20, 2021, upon counsel of record via the court's electronic filing system.

Respectfully submitted,

COZEN O'CONNOR

By: /s/ Stephen A. Miller
Stephen A. Miller (PA I.D. No. 308590)
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, PA 19103
Telephone: 215-665-4736
Facsimile: 215-253-6796
samiller@cozen.com
Counsel for Defendant Daniel Gutman

IFRAH PLLC

By: /s/ James M. Trusty
James M. Trusty
1717 Pennsylvania Avenue, NW
Suite 650
Washington, DC 20006
Telephone: 202-524-4140
jtrusty@ifrahlaw.com
Counsel for Defendant Benjamin Gutman